

AG 1637

JFW

PTO/SB/21 (05-03)
Approved for use through 04/30/2003. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/574,386	
	Filing Date	May 19, 2000	
	First Named Inventor	Donna G. Albertson	
	Group Art Unit	1637	
	Examiner Name	Spiegler, A.	
Total Number of Pages in This Submission	3	Attorney Docket Number	407E-914400US

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Interview Summary; receipt acknowledgment postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Authorization to Charge Deposit Account Please charge Deposit Account No. 50-0893 for any additional fees associated with this paper or during the pendency of this application, including any extensions of time for consideration of the documents enclosed.	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Remarks	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Paul Littlepage, Reg. No.48,581 for Emily M. Haliday, Reg. No. 38,903 Quinn Intellectual Property Law Group, P.C.
Signature	
Date	August 2, 2004

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Amelia Weintraub		
Signature		Date	August 2, 2004

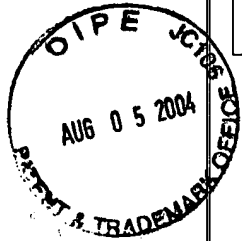
I hereby certify that this correspondence is being deposited with the United States Postal Service first class mail in an envelope addressed to:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on
August 2, 2004
QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.

By: Amelia Weintraub

Amelia Weintraub

Atty Docket No: 407E-914400US

Client Ref: 2000-364-1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Donna G. Albertson; Daniel Pinkel; Antoine Snijders

Application No.: 09/574,386

Filed: 5/19/2000

For: **Methods And Compositions For Preparation Of A Polynucleotide Array**

Examiner: Spiegler, A.

Art Unit: 163756

INTERVIEW SUMMARY

Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Dear Sir:

Applicants thank the Examiner for the helpful telephonic interview held with the Examiner on June 30, 2004. Applicants' Attorney explained to the Examiner that the application of target solutions comprising amplification products to a substrate to produce an array of polypeptides (claim 1(d)) refers to the use of target solutions to produce target elements of an array and not to the use of target solutions to probe an array. Although Applicants believe that the claims, as previously written, would be clear to one skilled in the art, several possible amendments to claim 1 were discussed in the interest of expediting prosecution.

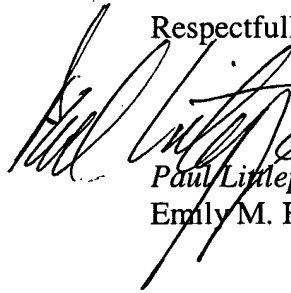
Applicants' Attorney emphasized that the art of record neither teaches nor suggests the use of the amplification method recited in claim 1 to produce target solutions that are immobilized on a substrate to produce an array of polynucleotides. In particular, Applicants' Attorney pointed out that the Declaration Under 37 C.F.R. § 1.132 of Dr. Donna G. Albertson (dated October 14, 2003) demonstrates that satisfactory polynucleotide arrays could be constructed using the claimed amplification method, but not another amplification method. Moreover, Dr. Albertson testified that she believed, prior to comparing these two methods, that the second method (*i.e.*, not the claimed method) would be most likely to work. Applicants' Attorney pointed out that this

Declaration establishes the unpredictability in this field and unexpected results sufficient to rebut any *prima facie* case of obviousness. The Examiner agreed to revisit the Declaration in light of the amendment to claim 1.

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone Dr. Haliday at (510) 769-3509.

QUINE INTELLECTUAL PROPERTY LAW
GROUP, P.C.
P.O. BOX 458
Alameda, CA 94501
Tel: 510 337-7871
Fax: 510 337-7877

Respectfully submitted,



Paul Littlepage, Reg. No. 48,581 for
Emily M. Haliday, Reg. No: 38,903